THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 5106 OF 2006

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DATED: 16-03-2006

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BETWEEN:

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Sri Koppula Rameshwar Rao

S/o. late K. Venkat Rama Rao

And four others … Petitioners

And

The District Collector,

R.R.District at Saifabad

Hyderabad and another … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 5106 OF 2006

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ORDER:

Petitioners question the circular issued by the District Collector, Ranga Reddy District in RC No. E2/406/2001, dated 06-02-2001 directing all the sub-registrars in Telangana District requesting not to entertain any documents for agricultural or non-agricultural purposes whenever produced without prior approval or 'No objection certificate' from the District Collector, the Sub-Registrars are refusing to register the sale and insisting 'No Objection Certificate (NOC).

It is stated that the said circular has been set aside by this court in several writ petitions filed by similar persons. It is the case of the petitioners that they are the

owners of the plots No. 7, in an extent of 289 square yards, plot No.5 in 289 sq. yards, plot No.8/B in 145 sq. yards, plot No.12B in 145 sq. yards, plot No.6 in 289 sq. yards in Survey No.99 at Kuntloor village, which was purchased from Sri E.V. Satyanarayana, S/o. E. Harinarayana, resident of Hayatnagar, who is the registered GPA Holder for document No.226/1988 dt.18-04-1988 registered in Sub-Registrar Office, Hyderabad.

I am not inclined to express any opinion on the merits of the case as to whether the said lands are assigned lands or not. If the said lands are assigned lands, the question of registration does not arise. But the District Collector cannot issue general directions directing the revenue authorities not to register the said lands. As per Section 5 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') the District Collector is entitled to direct the registering authorities not to register any document relating to the transfer or creation of any interest on any assigned lands included in the list of assigned lands in the district. The particulars of the assigned lands can be furnished by the registering authority only, but, I am of the opinion that without furnishing the said list, the act of the 2nd respondent refusing to register the sale deeds is illegal and arbitrary and the circular issued by the 1st respondent is liable to be set aside.

Accordingly, the circular issued by the first respondent is hereby set aside and the respondents are directed to register the sale deeds presented by the petitioners subject to compliance with the provisions of the Registration Act and the Stamp Act. For any reason, the lands cannot be registered and if they are assigned lands, a reasoned order may be communicated to the petitioners.

Writ petition is accordingly disposed of. No costs.

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V. ESWARAIAH, J.

Dated: 16-03-2006

Note:

Issue CC within four days.

(B/O)

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